

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.24/2007

Shri Sylvester D'Souza,
major, married,
r/o. Calangute, Bardez, Goa.

..... Petitioner.

V/s.

1. The Goa Coastal Zone
Management Authority,
through its Member Secretary,
having its Office at Saligao,
Bardez, Goa.

2. The additional Collector,
North Goa, Office of the
Collector, North Goa District,
Revenue Branch, Panaji, Goa.

3. The Dy. Collector of Bardez-II
For Bardez Taluka, Mapusa, Goa.

4. The Mamlatdar,
Office of the Mamlatdar,
Mapusa, Goa.

5. State of Goa
through its Chief Secretary,
Secretariat, Panaji, Goa.

..... Respondents.

Mr. V. A. Lawande, Advocate for the petitioner.

Mr. M. D. Salkar, Addl. Govt. Advocate for the respondents.

CORAM : R.S. MOHITE, J.
DATE : JULY 13, 2007.

ORAL JUDGMENT :

Heard both sides. Rule. By consent, rule made returnable forthwith.

2. A grievance made in this petition is that the impugned Order dated 29.9.05 has been passed without furnishing the document relied upon by the Authority i.e. the Panchanama. The Advocate for the respondents states that the Panchanama is now annexed to the affidavit-in-reply and is, therefore, available to the petitioner. He states that the impugned order and all other consequential orders will be withdrawn, inspection of the documents relied upon by the respondents will be given to the petitioner and fresh hearing will be given to the petitioner, during which he will be given opportunity to furnish all his documents and thereafter a fresh reasoned order will be passed after following such procedure. The statement is accepted.

3. In the circumstances, the impugned order dated 29.9.2005 and consequential orders stand withdrawn. There will be liberty to the respondents to pass a fresh order, after giving inspection of all documents to the petitioner, and after hearing afresh. The petition will also be at liberty to furnish all the documents which will also be taken into account, if relevant.

Rule is made absolute in the aforesaid terms.

R.S. MOHITE, J.

Ssm.